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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,158	12/18/2001	Kaori Ogura	016907/1340	6602

22428 7590 10/11/2005

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3000 K STREET NW  
WASHINGTON, DC 20007

EXAMINER
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PATTERSON, RASHAN OMAR

ART UNIT	PAPER NUMBER
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2622

DATE MAILED: 10/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/020,158

Applicant(s)

OGURA, KAORI

Examiner

Rashan O. Patterson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/18/01.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1,2, 4, 8, 9, 11, 15, 16, 18, are rejected under 35 U.S.C. 102(a) as being unpatentable over Iga (US 2002/0143924 A1).

Regarding claim 1 Iga, discloses a data updating method for updating data stored in memory of an image forming apparatus (Fig. 2), comprising: sending electronic mail from an external device (14) to the image forming apparatus (Fig. 2) to call for updating of the data stored in the memory of the image forming apparatus (Fig. 2) (**Fig. 13; Page 5-6 par. 0050**); downloading updating data from a device (14) on a network (18) based on contents of the electronic mail when the electronic mail from the external device had been received by the image forming apparatus (Fig. 2) (**Page 1 par. 0009; Page 5-6 par. 0050**); executing updating processing for the data stored in the memory, based on the downloaded updating data (**Fig. 13; Page 1 par. 0009; Page 5-6 par 0050** ).

Regarding claims 2, 9, and 16 Iga, discloses the data updating method for the image forming apparatus (Fig. 2), wherein the electronics mail sent from the external device (14) includes information indicating data to be updated, and information

indicating which device on the network holds the updating data (**Page 4 par. 041; Page 5-6 par. 0050**)

Regarding claims 4, 11, and 18 lga, discloses the data updating method for the image forming apparatus (Fig.. 2) further comprising: causing the image forming apparatus to notify the external device of a result of the data updating process (**Page 5-6 par. 0050-Page 6 par. 0050**),

Regarding claim 8 lga, discloses the image forming apparatus (Fig.. 2) which stores data in a memory beforehand and comprises: a network interface ( 18) which receives from an external device electronic mail calling for updating of the data stored in the memory and through which updating data is downloaded from a device on a network based on contents of the electronic mail (**Fig.. 13; Page 5-6 par. 0050**); a CPU (22) which executes updating processing for the data stored in the memory based on the updating data downloads by the network interface (18) (**Page 3 par. 0038; Page 5-6 par. 0050**).

Regarding claim 15 lga, discloses an image forming system comprising : an image forming apparatus (Fig.. 2 ) which stores data in a memory thereof before hand; and an external device (14) capable of exchanging electronic mail with the image forming apparatus, said external device (14) including a modem which sends electronic mail to the image forming apparatus to call for updating of the data stored in the memory of the image forming apparatus (Fig.. 12) (**Page 5-6 par. 0050**), and said image forming apparatus (Fig.. 2) includes: a network interface (18) through which updating data is downloaded from a device (14) on a network based on contents of the

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electronic mail in response to the reception of that an electronic mail (**Page 5-6 par. 0050**); and a CPU (22) which executes updating processing from the data stored in the memory based on the updating data downloaded by the network interface (**Page 3 par. 0038, Page 5-6 par. 0050**).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3, 10, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iga (US 2002/0143924 A1) in view of Yoshida et al. (US 6130757).

Regarding claims 3, 10, and 17 Iga does not disclose the data updating methods for the image forming apparatus, wherein said executing updating processing includes: writing the updating data once again if the writing of the updating data in the memory fails and a number of times of failure is within a predetermined number; and determining that an error occurs in data updating processing if the number of times of failure reaches said predetermined number.

Yoshida et al., discloses the data updating methods for the image forming apparatus (5), wherein said executing updating processing includes: writing the updating data once again if the writing of the updating data in the memory fails and a number of times of failure is within a predetermined number; and determining that an

error occurs in data updating processing if the number of times of failure reaches said predetermined number (**Fig.. 27; Col 19 line 54 – Col 20 line 5**).

Iga and Yoshida et al. are combinable because they both incorporate using an image forming apparatus.

It would have been obvious at the time of the inventions for one skilled in the art to combine Iga with Yoshida et al.

The motivation for doing so would be to have the data updating methods for the image forming apparatus (5), wherein said executing updating processing includes: writing the updating data once again if the writing of the updating data in the memory fails and a number of times of failure is within a predetermined number; and determining that an error occurs in data updating processing if the number of times of failure reaches said predetermined number as taught by Yoshida et al in Fig.. 27 and in Col 19 line 54 – Col 20 line 5.

Therefore it would have been obvious to combine Yoshida et al. with Iga to get the invention disclosed in claims 3, 10, and 17.

5. Claims 5, 6, 7, 12, 13, 14, 19, 20, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iga (US 2002/0143924 A1) in view of Foster (US 6675382 B1)

Regarding claims 5, 12, 19, and 21 Iga does not disclose the data updating methods for the image forming apparatus further comprising: determining whether or not data updating is necessary based on the contents of the electronic mail when the image forming apparatus had received the electronic mail from the external device, and

where in the updating data is downloaded from the device on the network bases on the contents of the electronic mail when the data updating is determined to be necessary.

Foster, discloses the data updating methods for the image forming apparatus further comprising: determining whether or not data updating is necessary based on the contents of the electronic mail when the image forming apparatus had received the electronic mail from the external device, and where in the updating data is downloaded from the device on the network bases on the contents of the electronic mail when the data updating is determined to be necessary ( **Fig. 6; Col lines 18-47**).

Iga and Foster are combinable because the both disclose and apparatus containing software.

It would have been obvious at the time of the invention for one skilled in the art to combine Iga with Foster.

The motivation for doing would be to have the data updating methods for the image forming apparatus further comprising: determining whether or not data updating is necessary based on the contents of the electronic mail when the image forming apparatus had received the electronic mail from the external device, and where in the updating data is downloaded from the device on the network bases on the contents of the electronic mail when the data updating is determined to be necessary as taught by Foster in Fig. 6 and Col lines 18-47.

Therefore it would have been obvious to combine Iga with Foster to get the inventions disclosed in claims 5,12, and 19.

Regarding claims 6, 13, and 20 Iga, discloses the data updating method for the image forming apparatus wherein the electronic mail sent from the external device includes version information on data to be updated ( **Page 5-6 par. 0050**).

Iga does not disclose the data updating method for the image forming apparatus wherein said determining whether or not the data updating is necessary includes comparing the version information included in the electronic mail with version information on the data stored in the memory, and determining whether of not updating is required with respect to the data stored in the memory.

Foster, discloses the data updating method for the image forming apparatus wherein said determining whether or not the data updating is necessary includes comparing the version information included in the electronic mail with version information on the data stored in the memory, and determining whether of not updating is required with respect to the data stored in the memory (**Fig. 6; Col lines 18-47**).

Iga and Foster are combinable because the both disclose an apparatus containing software.

It would have been obvious at the time of the invention for one skilled in the art to combine Iga with Foster.

The motivation for doing would be to have the data updating method for the image forming apparatus wherein said determining whether or not the data updating is necessary includes comparing the version information included in the electronic mail with version information on the data stored in the memory, and determining whether of



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not updating is required with respect to the data stored in the memory as taught by Foster in Fig. 6 and Col lines 18-47.

Therefore Iga and Foster it would have been obvious to combine Iga with Foster to get the invention disclosed in claims 6,13, and 20.

Regarding claims 7 and 14 Iga does not disclose the data updating method for the image forming apparatus further comprising: causing the image forming apparatus to notify the external device that data updating based on the electronic mail is unnecessary, when the data updating is determined to be unnecessary.

Foster, discloses the data updating method for the image forming apparatus further comprising: causing the image forming apparatus to notify the external device that data updating based on the electronic mail is unnecessary, when the data updating is determined to be unnecessary.

**(Fig. 6; Col lines 18-47).**

Iga and Foster are combinable because the both disclose and apparatus containing software.

It would have been obvious at the time of the invention for one skilled in the art to combine Iga with Foster.

The motivation for doing would be to have the data updating method for the image forming apparatus further comprising: causing the image forming apparatus to notify the external device that data updating based on the electronic mail is unnecessary, when the data updating is determined to be unnecessary as taught by Foster in Fig. 6 and Col lines 18-47.

Therefore Iga and Foster it would have been obvious to combine Iga with Foster to get the invention disclosed in 7 and 14.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kida et al. (US 6075953) discloses an image forming apparatus supporting system. Kida et al. (JP 10222374) discloses a method for providing remote software technical support. Nakai (US 6204928 B1) discloses a data processing apparatus and a method for controlling the apparatus. Sadowsky (US 6123737) discloses a push deployment of software packages using notification transports. Cheng et al. (US 6151643) discloses an automatic updating divers software products on multiple client computer systems by downloading scanning application to client computer and generating software lit on client computer.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rashan O. Patterson whose telephone number is 571-272-0597. The examiner can normally be reached on Mon - Fri 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Coles can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ROP



**TYLER LAMB**  
**PRIMARY EXAMINER**

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PRIN...